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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,813	05/07/1999	YOSHINORI KUNO	P99.0372	3991

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EXAMINER
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MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/306,813	<b>Applicant(s)</b> KUNO ET AL.	
	<b>Examiner</b> Justin P. Misleh	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 - 4 is/are allowed.
- 6) ☒ Claim(s) 1, 5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed July 31, 2006 have been fully considered but they are not persuasive.
2. Applicant argues, "By providing a series connection of the two different switches described in Figure 2 ... it is readily apparent that the desired signals can be selectively provided." For support, Applicant points to the last full paragraph on page 9.
3. The Examiner respectfully disagrees with Applicant's position. The drawings clearly do not show nor does the specification disclose any feature of the present invention that calls for providing the switch SW1 of figure 2A and switch SW2 of figure 2B in a series connection.
4. The cited portion of page 9 simply recites, "It is made possible to select the driving pulses Ø1 and Ø2 a predetermined voltage or a floating level to be supplied to the CCD-analog-shift-register 2 by providing the switch circuits SW1 and SW2 between the terminals of the driving pulses Ø1 and Ø2, and the CCD analog-shift-register 2 as shown in Fig. 1." At best this portion indicates that any one of the switches SW1 and SW2 can be inserted between the terminals of either of the driving pulses Ø1 and Ø2 and the shift register. A series connection between the switches SW1 and SW2 cannot be construed from the present application.
5. Furthermore, even if such a series connection feature were true, which the Examiner is NOT admitting, the drawings were not be accordance with 37 CFR §1.83(a), which recites, *inter alia*, "The drawing in a nonprovisional application must show every feature of the invention specified in the claims."

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claims 1, 5 and 6** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

8. Claims 1, 5, and 6 now each respectively require a switch operable to selectively connect an input of the horizontal transfer register to one of a group comprised of a pulse signal, a fixed voltage level, and a float level. In other words, the claims require choosing element A, or element B, or element C from a group comprised of, but not limited to, elements A, B, and C. The Examiner's interpretation of the claims as such is fully supported by Applicant's remarks. More specifically, Applicant recites, "the currently amended claims now clearly require that the switch IS REQUIRED to select one from a group of signals as listed" (see Amendment, page 6). However, the Examiner believes this subject matter now required by the claim language was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

9. Turning to the figures 2A and 2B and page 8 (1<sup>st</sup> full paragraph), it is clear that the switch shown in figure 2A is "for selecting a  $\emptyset$ in or a predetermined potential Vc" and that the

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switch shown in figure 2B is “for selecting a  $\emptyset$ in or a floating level”. At no point in the figures or specification is there a single switch circuit that switches between at least three different elements, as now required by the claims.

*Allowable Subject Matter*

10. **Claims 2 – 4** are allowed.

11. The following is a statement of reasons for the indication of allowable subject matter:

The closest prior art teaches and/or fairly suggests a solid state image pickup device and method of driving the same wherein a photoelectric converter portion, a horizontal charge transfer portion, a charge/voltage converter portion are provided with driving pulses wherein said driving pulses may selectively supplied to the solid state image pickup device;

However, the closest prior art does teach or fairly suggest selectively replacing any one of said driving pulses with a floating level and then subsequently applying a different driving pulse to the same input at which the driving pulse, that is to be replaced with the floating level, was input to.

*Conclusion*

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Vivek Srivastava can be reached on 571.272.7304. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM  
October 11, 2006



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